

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTINGS : INDORE

Original Application No.685 of 2000

Indore, this the 15th day of January, 2004

Hon'ble Shri M.P.Singh - Vice Chairman
Hon'ble Shri G.Shanthappa - Judicial Member

Shri Lalitkumar son of late Shri Jagdish,
aged 20 years, occupation Nil, resident of
1676, Gokulganj, Mhow (M.P.).

- APPLICANT

(By Advocate - Ku.Vandana Kasrekar)

Versus

1. Union of India through Secretary,
Ministry of Defence, New Delhi.
2. Station Commander, Station H.Q.,
MHOW (Madhya Pradesh).
3. Director, Staff Duties, Addl. Directorate,
General Staff Branch, S.D.& (Adm.Civil),
Army H.Q., D.H.Q., New Delhi-110011.
4. Kishore son of Ramchandra Safaiwala,
Station H.Q., MHOW.
5. Balram son of Chhaganlal, Safaiwala,
Station H.Q., MHOW.

- RESPONDENTS

(By Advocate - None)

O R D E R (Oral)

By G.Shanthappa, Judicial Member -

This Original Application is filed seeking the relief for quashing the order dated 9.8.1999 (Annexure-A-9) and further direction to respondents to appoint the applicant in his father's place as there exist vacancies, even today and applicant is fully eligible and entitled for the same.

2. The brief facts of the case are that the father of the applicant died in harness on 10.2.1998 while he was working as conservancy safaiwala at Station Headquarters, MHOW. The applicant submitted his application for appointment on compassionate grounds since he is qualified for any post of Group-D or Group-C. The applicant has also registered his name in the Employment Exchange. The respondents have

considered the case of the applicant and rejected the claim by issuing the order Annexure-A-9 which is in the form of cyclostyped and is not a speaking order. The case of the applicant is that the respondents have not considered his case properly accordingly there shall be a direction to the respondents to consider the case of the applicant for appointment on compassionate grounds.

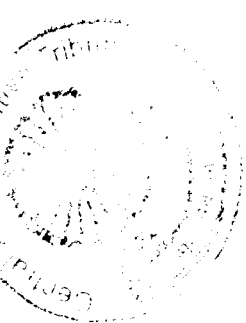
3. Notices were served on the respondents and number of opportunities have been given to the respondents to file their reply to the O.A. But, they have failed to do so. Hence the case was listed for ex parte hearing. Heard the learned counsel for the applicant.

4. The applicant has mentioned in para 6.4 of the OA Annexure-A-4, para 2 of which speaks as under-

"Since the deceased family is having no earning member Shri Lalit Kumar (w. be employed in place of Late Jagdish his Father's vacancy directly without concurrence of employment exchange. He has been found suitable and his case is strongly recommended for appt under the provision of Min of Def IO No 27/(5)/88/D(Lab) dated 28 May 82"

5. After hearing the advocate for the applicant and perusal of the records we are of the considered view that the respondents should have considered the case of the applicant for grant of appointment on compassionate grounds as they themselves have admitted in Annexure-A-4 that the applicant has been found suitable for appointment. Since the impugned order passed by the respondents is not a speaking and reasoned order and is in the form of a cyclostyped order, the same is quashed. We hereby direct the respondents to consider the case of the applicant on the basis of their letter at Annexure-A-4 within a period of three months from the date of communication of this order.

6. The OA is partly allowed in the aforesaid terms. No costs.



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Copy to file
Vandana Keshava
counsel for
applicant.

(S) Station Comm-
-order, Station
H.P. Mho W.
MP Shri Vivek Sharma, 301, ML Sui
Apartment, 1kv. 4/8, Puri near Zoo
Indore

G. Shanthappa
(G. Shanthappa)
Judicial Member

(M.P. Singh)
Vice Chairman.